

1644  
PATENT  
Attorney Reference Number 6395-59041-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tripp *et al.*

Application No. 09/889,317

Filed: July 13, 2001

Confirmation No. 2319

For: METHOD FOR THE PREVENTION AND  
TREATMENT OF DISEASES CAUSED BY  
AN INFLAMMATORY RESPONSE  
MEDIATED BY ENDOGENOUS  
SUBSTANCE P BY USING ANTI-  
SUBSTANCE P ANTIBODIES

Examiner: Francois P. Vandervegt

Art Unit: 1644

Attorney Reference No. 6395-59041-01

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COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

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I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent  
for Applicant(s)

Date Mailed January 21, 2005

TRANSMITTAL LETTER

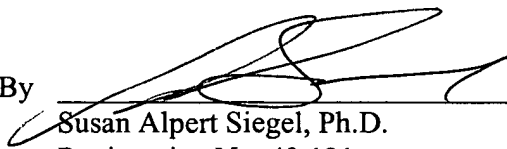
Enclosed for filing in the application referenced above is the following:

- ☒ Request to Vacate Office action, Interview Summary
- ☒ The Director is hereby authorized to charge any fees that may be required, or credit overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Applicants believe no fee is required. However, if necessary, Applicants petition for a one-month extension of time to respond to the Office action, and request that any fees be charged to the Deposit Account listed above.
- ☒ Please return the enclosed postcard to confirm that the item listed above has been received.

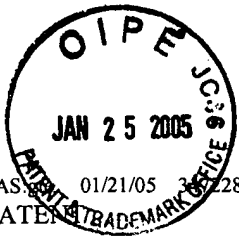
Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

  
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**REQUEST TO VACATE OFFICE ACTION, INTERVIEW SUMMARY**

This responds to the Office action dated September 22, 2004, for which a three month period for reply was set, making a response due on or before December 22, 2004.

This provides an Interview Summary for a telephonic interview of December 6, 2004. Applicants' representative contacted Examiner VanderVegt regarding the Office action dated September 22, 2004. Applicants' representative noted that the Office action was based on pending claims 1-36; however, Applicants submitted a Preliminary Amendment on August 7, 2001, canceling claim 6-8, 10-12, 15-18, 24-26, 28-30, 33-36, and adding new claims 37-44. Examiner VanderVegt confirmed that the Preliminary Amendment had been entered, but had been mislabeled in the United States Patent and Trademark Office's Image File Wrapper (electronic files), and that the Examiner had thus inadvertently examined the incorrect set of claims. Upon review of the preliminary amendment, Examiner VanderVegt stated that he would vacate the Office action dated September 22, 2004, and issue a new Office action based on

examination of all of the currently pending claims. The Examiner recommended that Applicants not respond to the Office action dated September 22, 2004, as he believed this would only further complicate matters.

Examiner VanderVegt stated in the telephone conference that by the end of December 2004, he would provide formal notice that the Office action had been vacated. However, Applicants have not received such formal notice, nor is the vacation of the Office action listed on the United States Patent and Trademark Office's PAIR website. Thus, Applicants request formal notice that the Office action has been vacated.

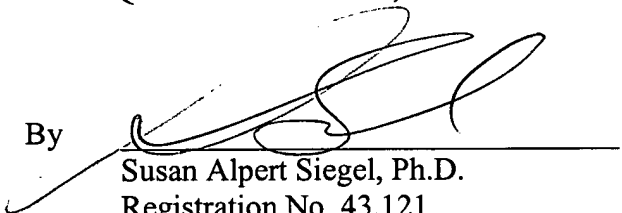
Applicants submit that no fee should be required for this Request to Vacate Office Action and Interview Summary, and that no extension fees are required for a response to the Office action. However, should the Director determine that a fee is required, such as an extension fee, Deposit Account No. 02-4550 Authority is provided on the accompanying transmittal letter.

If any matters remain to be resolved prior to the issuance of formal notice that the Office action has been vacated, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

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